

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, December 21, 2010**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Donna Gebicke (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:01 am.

APPROVAL OF CHECK REGISTER

Commissioner Morgan moved, seconded by Commissioner Morris, to approve the bills dated December 21, 2010, as submitted by staff. Motion carried 4-1. Commissioner Jarboe voted nay.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Morris, to adopt the minutes of the meeting of Tuesday, December 14, 2010, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for January 4, 2011. There will be no meeting on December 28, 2010.
2. **Department of Public Works and Transportation** (*George Erichsen, Director*)

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President to execute the budget amendment creating a new Capital Project titled Traffic Control Signals and realigning budgets in the amount of \$61,300.00 from the current State Aid Capital Project, on behalf of the Department of Public Works and Transportation. Motion carried 5-0.

3. Department of Human Services (*Cynthia Brown, Interim Director; Walter Biscoe, Substance Abuse Prevention Coordinator*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY2011 Substance Abuse Prevention Services revised Budget Approval and Conditions of Award, project #US1123, from the Maryland Department of Health and Mental Hygiene Alcohol and Drug Abuse Administration on behalf of the Department of Human Services for the Maryland Strategic Prevention Framework Assessment and Planning Process in the amount of \$10,000, and the related Budget Amendment to increase the project budget by \$10,000. Motion carried 5-0.

BOCC TAKES POSITIONS ON 2011 LEGISLATIVE PROPOSALS

Present: George Sparling, County Attorney; and David Weiskopf, Deputy County Attorney

The Commissioners took positions on the 2011 Legislative Proposals as noted below. Positions will be forwarded to the St. Mary's County Delegation for their consideration.

No.	Proposal Description	Support	Oppose	Comments
1.	To add a Corrections Officer's Bill of Rights for St. Mary's County.	Morgan Jarboe Russell Jones Morris		
2.	To clarify that members and employees of the St. Mary's County Metropolitan Commission are subject to the provisions of the St. Mary's County Public Ethics Ordinance.	Morris Jones Russell Jarboe Morgan		

No.	Proposal Description	Support	Oppose	Comments
3.	<p><u>Revised Proposal</u></p> <p>a. Address Task Force Recommendations No. 3 and 5 by:</p> <p>(i) deleting the requirement that BOCC approve all newly created MetCom employment positions;</p> <p>(ii) requiring the approval by BOCC of MetCom’s Capital Plan/Budget and Facilities Plans; and</p> <p>(iii) requiring that the BOCC annually amend the County Comprehensive Water & Sewer Plan to incorporate MetCom’s Capital Plan.</p> <hr/> <p>b. Address Task Force Recommendation No. 11 by providing for a director and separate general counsel</p> <p><i>(Task Force Recommendation #11: “The positions of MetCom Director and Metcom’s General Counsel should be filled by different individuals.”)</i></p> <hr/> <p>c. Address Recommendation No. 14 by providing that</p> <p>i. the director, <u>OR</u></p> <hr/> <p>ii. both the director and the general counsel be full-time employees of the Commission</p> <p><i>(Task Force Recommendation #14: “Outside employment by the Director of MetCom should be limited to that which is of a strictly incidental nature and not ongoing, so as to avoid any conflicts of interest – either real or perceived.”)</i></p>	<p>Morris Jones Morgan Jarboe Russell</p> <hr/> <p>Morris Jones Russell Jarboe Morgan</p> <hr/> <p>Morgan Jarboe Russell Jones Morris</p> <hr/> <p>N/A</p>		<p>Commissioner Jarboe supported 3a. with the caveat that consideration be given to removing the requirement of the County’s full faith and credit on bond issues in the future.</p> <hr/> <hr/> <hr/>

No.	Proposal Description	Support	Oppose	Comments
4.	<p data-bbox="386 386 850 422">Historic St. Mary's City Foundation</p> <p data-bbox="321 497 906 674">To allow for an annual fundraising event ("BeerFest"), that would act both as a driver for tourism and a complement to other events in the County such as the Sotterley wine festival.</p>	<p data-bbox="943 497 1045 638">Jones Morris Russell Morgan</p>	<p data-bbox="1094 497 1179 527">Jarboe</p>	<p data-bbox="1230 386 1544 1115">Comm. Jarboe commented that his opposition was based on what he feels is a conflict between supporting this proposal and the ongoing efforts by the County to reduce drinking and driving and that the infrastructure (sidewalks, nearby accommodations, etc.) is not available in the St. Mary's City area to provide for a safe event. He suggested that St. Mary's City host a public hearing to obtain residents' input.</p> <p data-bbox="1230 1157 1516 1333">Comm. Morris asked that the Foundation make every effort to provide transportation to participants.</p>

DEPARTMENT OF LAND USE & GROWTH MANAGEMENT: REQUEST APPROVAL OF REVISIONS TO THE BUILDING CODE OF ST. MARY'S COUNTY (CHAP. 203), INCLUDING PROVISIONS DEALING WITH FIRE SUPPRESSION (SPRINKLER) SYSTEMS IN NEW HOMES

Present: Derick Berlage, Director
Adam Knight, Code Coordinator

Mr. Berlage provided background information. Building standards for newly constructed homes and buildings are enacted in Chapter 203 of the St. Mary's County Code. At the request of the Department of Land Use and Growth Management, the Board of County Commissioners introduced a proposed Ordinance to adopt the 2009 version of the model building code adopted by the International Code Council. A public hearing on that

Ordinance was held on November 9, 2010. Additional public comment was received at a public forum on December 6, 2010, and numerous emails and letters were also received. The proposed Ordinance follows the 2009 model code with very few exceptions. The exceptions are local amendments that have been in the County Code previously. For example, St. Mary's County exempts many agricultural buildings from having to get a building permit and allows all permits to remain valid for a full 12 months. A complete list of local amendments was provided.

All of the public testimony and written comment received addressed a single issue: whether to require fire suppression (sprinkler) systems in all new homes. Under Ordinance 2007-12, the County requires sprinkler systems in all new homes except single family homes served by a private well. The 2009 model code requires sprinklers in all homes, including those with a private well. There was significant testimony for and against the new requirement. The Board gave careful consideration to safety issues involved in the proposed Ordinance vs. current economic conditions.

Commissioner Jarboe moved, seconded by Commissioner Morris, to amend the proposed Ordinance by adding the following after the paragraph beginning note on page 10: "Chapter 29, Section 2904 shall be applicable only to new dwellings served by central water." Motion carried 5-0.

Staff was asked to return to the Board meeting later in the day with the Ordinance revised as directed for final action by the Board.

OFFICE OF THE COUNTY ATTORNEY: REQUEST TO SCHEDULE PUBLIC HEARING TO CONSIDER EXTENDING THE PROPERTY TAX CREDIT FOR CERTAIN FIRE PROTECTION RESIDENTIAL SPRINKLER SYSTEMS

Present: George Sparling, County Attorney

Mr. Sparling requested authorization to schedule a public hearing to consider extending the period during which to install a qualifying sprinkler system in order to qualify for the tax credit under Ordinance 2008-06 which is set to expire February 1, 2011, and the date on which authority to issue a tax refund under this Ordinance expires April 1, 2012.

Commissioner Morris moved, seconded by Commissioner Jarboe, to direct staff to proceed with scheduling a public hearing to consider extending the property tax credit for certain fire protection residential sprinkler systems. Motion carried 5-0.

COMMISSIONER'S TIME

Commissioner Morgan and Commissioner Morris asked that a broader constituency be included when reviewing plans to revise such items as the building code in the future.

FY 2012 BUDGET WORK SESSIONS

A Budget Work session was conducted in two parts, before and after breaking for lunch.

ORDINANCE ADOPTING THE MARYLAND BUILDING PERFORMANCE STANDARDS

The following motion was made in open session just prior to the opening of the afternoon budget work session.

Commissioner Morris moved, seconded by Commissioner Jones, to enact the Ordinance adopting the Maryland Building Performance Standards, as amended, as the St. Mary's County Building Code. Motion carried 5-0.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at approximately 3:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant (Recorder)